

REMARKS

In view of the above amendments and the following remarks, reconsideration and further examination are respectfully requested.

I. Amendments to the Claims

Independent claims 43, and 55-58 have been amended to clarify features of the invention recited therein and to further distinguish the claimed invention from the references relied upon in the rejections discussed below. In addition, dependent claims 44, 46-48, 52 and 53 have been amended to remain consistent with the amended independent claims.

II. 35 U.S.C. § 101 Rejection

Claims 56 and 57 were rejected under 35 U.S.C. §101 as being directed to non-statutory subject matter. Specifically, claims 56 and 57 were rejected for not clarifying that the claimed computer-readable recording medium is non-transitory.

In view of the above, claims 56 and 57 have been amended to clarify that the computer-readable recording medium is non-transitory. As a result, withdrawal of this rejection is respectfully requested.

III. 35 U.S.C. § 103(a) Rejections

Claims 43-45, 51, 52 and 55-58 were rejected under 35 U.S.C. § 103(a) as being unpatentable over the combination of Ansell et al. (U.S. 6,367,019), Moribe et al. (U.S. 5,886,979), and Asano (U.S. 7,088,822). Further, dependent claims 46-50, 53 and 54 were rejected under 35 U.S.C. § 103(a) as being unpatentable over the combination of Ansell, Moribe,

Asano, and Lotspiech (U.S. 6,609,116). Additionally, claims 59 and 60 were rejected under 35 U.S.C. § 103(a) as being unpatentable over the combination of Ansell, Moribe, Asano and the Examiner's Official Notice. These rejections are believed clearly inapplicable to claims 43-60 for the following reasons.

Amended independent claim 43 is directed to a recording apparatus for recording encrypted content onto a recording medium. Further, claim 43 recites that the recording apparatus includes a storage unit operable to store a piece of key revocation data that includes a plurality of encrypted media keys, each of the plurality of encrypted media keys respectively being generated by encrypting one media key with a corresponding device key of a plurality of device keys, the plurality of device keys being assigned to respective unrevoked apparatuses. In addition, claim 43 recites that the recording apparatus includes a key encrypting unit operable, when a comparing unit confirms that the piece of key revocation data does not exist in the rewritable area of the recording medium, to (i) obtain an encrypted media key, from the plurality of encrypted media keys stored in the storage unit, that corresponds to the recording apparatus, when the recording apparatus is not revoked, (ii) generate a media key by decrypting the obtained encrypted media key with a device key stored in a device key storing unit, and (iii) generate an encrypted content key by encrypting a content key based on the **generated media key.**

The above-described structure required by claim 43 makes it possible to achieve protection of the content with use of the piece of key revocation data, even when the piece of key revocation data does not exist on the recording medium onto which the content is recorded.

Ansell, Moribe and Asano or any combination thereof fails to disclose or suggest the above-mentioned structure and the results thereof, now required by amended claim 43.

Initially, the Applicants note that the above-mentioned rejection relies on Ansell for teaching the features of the storage unit, as recited in previously presented claim 43 (see pages 4 and 5 of Office Action). However, in view of the above-identified amendments to claim 43, which clarify the structure/operation of the storage unit, it is submitted that Ansell fails to disclose or suggest the above-mentioned distinguishing features now required by amended independent claim 43.

Rather, Ansell merely teaches that a single key is used to encrypt multiple keys (see Figs. 5 and 8; and col. 10, lines 33-40, which teach that a CLP 512A encrypts read-only key 504A and any of keys 506A1-4, which have been acquired through previous key exchanges in step 808, wherein CLP 512A encrypts the keys using a public key of external player 150B parsed from a certificate in a reply message).

Thus, in view of the above, even though Ansell teaches that a single key (i.e., public key) is used to encrypt multiple keys, Ansell still fails to disclose or suggest the storage unit that stores a piece of key revocation data that includes a plurality of encrypted media keys, each of the plurality of encrypted media keys respectively being generated by encrypting one media key with a corresponding device key of a plurality of device keys, the plurality of device keys being assigned to respective unrevoked apparatuses, as recited in claim 43.

Additionally, the Applicants note that that the above-mentioned rejection relies on Asano for teaching the features of the key encrypting unit, as recited in previously presented claim 43 (see page 7 of Office Action). However, in view of the above-identified amendments to claim 43, which clarify the structure/operation of the key encrypting unit, it is submitted that Asano fails to disclose or suggest the above-mentioned distinguishing features now required by amended independent claim 43.

Rather, Asano teaches that by acquiring (not a media key, but) a master key common to a plurality of recording/playback devices, or a device key unique to a recording/playback device from an EKB, a key for encryption processing or a key for decryption processing may be generated based on the acquired key (see col. 34, lines 43-48, as cited in the Office Action).

Thus, in view of the above, it is clear that Asano teaches that a key for encryption/decryption processing is generated using, not a media key, but rather a master key common to a plurality of devices or a device key unique to a device, but fails to disclose or suggest that the key encrypting unit (i) obtains an encrypted media key, from the plurality of encrypted media keys stored in the storage unit, that corresponds to the recording apparatus, when the recording apparatus is not revoked, (ii) generates a media key by decrypting the obtained encrypted media key with a device key stored in a device key storing unit, and (iii) generates an encrypted content key by encrypting a content key based on the **generated media key**, as recited in claim 43.

Therefore, because of the above-mentioned distinctions it is believed clear that claim 43 and claims 44-54, 59 and 60 that depend therefrom would not have been obvious or result from any combination of Ansell, Asano and Moribe.

Additionally, as mentioned above, the benefit of the structure required by claim 43 is that it is possible to achieve protection of the content with use of the piece of key revocation data, even when the piece of key revocation data does not exist on the recording medium onto which the content is recorded. In light of the discussion above, the combination of Ansell, Asano and Moribe does not provide the above-mentioned benefits of the features recited by claim 43, because Ansell, Asano and Moribe fail to disclose or suggest that the storage unit stores a piece of key revocation data that includes a plurality of encrypted media keys, each of the plurality of

encrypted media keys respectively being generated by encrypting one media key with a corresponding device key of a plurality of device keys, the plurality of device keys being assigned to respective unrevoked apparatuses, and that the key encrypting unit (i) obtains an encrypted media key, from the plurality of encrypted media keys stored in the storage unit, that corresponds to the recording apparatus, when the recording apparatus is not revoked, (ii) generates a media key by decrypting the obtained encrypted media key with a device key stored in a device key storing unit, and (iii) generates an encrypted content key by encrypting a content key based on the **generated media key**, as recited in claim 43.

Regarding dependent claims 46-50, 53, 54 and 59, which were rejected under 35 U.S.C. § 103(a) as being unpatentable over Ansell, Asano and Moribe (main references) in view of various combinations of Lotspiech and the Examiner's Official Notice, it is respectfully submitted that Lotspiech and the Examiner's Official Notice does not disclose or suggest the above-discussed features of independent claim 43 which are lacking from the main references. Therefore, no obvious combination of the main references with Lotspiech and/or the Official Notice would result in, or otherwise render obvious, the invention recited independent claim 43 and claims 44-54, 59 and 60 that depend therefrom.

Furthermore, there is no disclosure or suggestion in Ansell, Moribe, Lotspiech and/or Official Notice or elsewhere in the prior art of record which would have caused a person of ordinary skill in the art to modify Ansell, Moribe, Lotspiech and/or the Official Notice to obtain the invention of independent claim 43. Accordingly, it is respectfully submitted that independent claim 43 and claims 44-54, 59 and 60 that depend therefrom are clearly allowable over the prior art of record.

Amended independent claims 55, 56, 57 and 58 are directed to a method, a program, a storage medium and a system, respectively and each recite features that correspond to the above-mentioned distinguishing features of independent claim 43. Thus, for the same reasons discussed above, it is respectfully submitted that independent claims 55, 56, 57 and 58 are allowable over any combination of Ansell, Asano, Moribe, Lotspiech and/or the Official Notice.

IV. Conclusion

In view of the above amendments and remarks, it is submitted that the present application is now in condition for allowance and an early notification thereof is earnestly requested. The Examiner is invited to contact the undersigned by telephone to resolve any remaining issues.

Respectfully submitted,

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